

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 19, 1997

DIVISION ONE

B107622 Jackson (Certified for Publication)
v.
Co. of Los Angeles

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B102881 People v. Cramer
B109819 People v. Burnto
B108620 People v. Epps
B105397 People v. Penn
B107545 People v. Mitchell
B105603 People v. Flowers
B112737 Aragon v. State of California
B106327 People v. Braun
B107103 People v. Robles
B104397 People v. Scott
B110288 In re: Doris J.
B113349 In re: Jason C.
B110635 In re: Alexia T., et al.
B109736 Taylor v. City of L.A.
B110038 Ledding v. Ledding

DIVISION TWO (Continued)

Each of the following (cont'd.)

B116458 Maria G. v. S.C.L.A.
B107131 In re: Stephanie B.
B107234 People v. Williams
B109046 People v. Tafoya
B110514 People v. Taylor
B110887 People v. Morales
B109062 People v. Marquez
B109559 People v. Mostyn
B103316 People v. Garcia, et al.
B111820 Reza v. BA Properties
B101654 People v. Smith
B112084 People v. Berdin

Argument waived, cause submitted.

B104318 Pattin
 v.
 L.A. County Fire Department

Merits:

Argued by Christopher Platten for respondent and by Manuel Valenzuela for appellant. Cause submitted.

B109329 Karuturi
 v.
 John Wayne Center

Merits:

Argued by S. Karuturi, in propria persona and by Edward Xanders for respondent. Cause submitted.

B103267 Whiteside
 v.
 So. Calif. Edison Co.

Merits:

Argued by Christopher Davis for appellant and by Tonie Rae Bruno for respondent. Cause submitted.

DIVISION TWO (Continued)

B101996 Riordan & McKenzie
 v.
 Ridley

Merits:

Argued by Gina Calvelli for appellant and by Thomas Dunlap for respondent. Cause submitted.

B098941 Fitzpatrick
 v.
 Civil Service Employees Ins. Co.

Merits:

Argued by Joan Dolinsky for appellant and by Robert Scott for respondent. Cause submitted.

B099986 Flick
 v.
 Weddington Productions

Merits:

Argued by Thomas Doniger for appellant and by Tom Lallas for respondent. Cause submitted.

B108915 Home Buyers Warranty Corp.
 v.
 Buyers Home Warranty

Merits:

Argued by Marshall Lerner for appellants and by Patricia Lofton for respondents. Cause submitted.

Mr. Justice Zebrowski leaves the bench.

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DIVISION TWO (Continued)

B099877 Brenner
v.
Cantor, et al.

Merits:
Argued by Robert Hinerfeld for respondent and by Nancy McClelland
appellants. Cause submitted.

Court adjourned.

B096394 Masry (Not for Publication)
v.
Mercedes-Benz Credit Corporation

The judgment is affirmed.

Ito, J. (Assigned)

We concur: Fukuto, Acting P.J.
 Nott, J.

B113738 Breakman, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Law Offices of Seuthe & Matusek, et al., r.p.i.)

Let a writ of mandate issue commanding respondent superior court to vacate its order denying petitioners' motion for disqualification of the law firm of Seuthe & Matusek and attorney John Henry Matusek II as counsel for Batangan and Trejo, and to enter a new and different order granting the disqualification motion. The alternative writ is discharged, and the temporary stay is vacated. Petitioners to recover the costs of this petition.

Nott, J.

We concur: Boren, P.J.
 Ito, J. (Assigned)

DIVISION THREE

B106012 Shu-Mei Wang (Not for Publication)

v.
University of Southern California

The judgment is affirmed.

Aranda, J. (Assigned)

We concur: Klein, P.J.
 Croskey, J.

B096528 Harold R. Bonar (Not for Publication)

v.
Dorothy Gruber and Dale Gruber

The July 12, 1995 order denying probate of will is reversed, and the trial court is directed to (1) enter a new order admitting the 1984 will to probate, and (2) vacate both the order of November 15, 1996 denying probate of a codicil and the November 15, 1996 order determining entitlement to distribution. Dorothy and Dale are awarded their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aranda, J. (Assigned)

B108015 Marukin Corporation (Not for Publication)

v.
County of Los Angeles

The trial court's judgment is reversed and the court is directed to enter a new and different judgment which remands the case to the Board for further analysis and a more complete written decision consistent with the views expressed herein. Plaintiff's cross-appeal is dismissed without prejudice as moot. Each party to bear its own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aranda, J. (Assigned)

DIVISION THREE (Continued)

B113630 Robert Snukal (Certified for Publication)

v.
Flightways Manufacturing, Inc.

The judgment is reversed and the matter is remanded to the appellate department for further proceedings consistent with this opinion. Each party to bear respective costs on appeal.

Klein, P.J.

We concur: Aldrich, J.
 Aranda, J. (Assigned)

B105571 Lechuza Villas West, etc. (Certified for Partial Publication)

B110008 v.
California Coastal Commission, et al.

The stay order heretofore issued shall be lifted upon issuance of the remittitur by this court. The judgment in favor of Lechuza and against MEHOA is reversed. Judge Hiroshige is directed to (1) vacate the order dismissing with prejudice MEHOA's third cause of action, (2) allow MEHOA leave to dismiss it without prejudice, (3) vacate the order awarding attorney fees and sanctions to Lechuza and against MEHOA pursuant to Civil Code section 1354, and (4) conduct further proceedings not inconsistent with the views expressed herein. As to the "partial judgment" involving issues between Lechuza and the Coastal Commission, the Lands Commission, and the State of California, let a writ of mandate issue directing Judge Hiroshige to: (1) vacate his order granting Lechuza's motion to remand the permit application matter to the Coastal Commission pursuant to Code of Civil Procedure section 1094.5, subdivision (e); (2) vacate his order setting the southerly boundary as a fixed line based on an average of various ordinary high tide lines; (3) vacate his order granting summary adjudication in favor of Lechuza on the issue of takings liability; and (4) vacate his order awarding sanctions against the Lands Commission for bringing a motion for new trial; and (5) conduct further proceedings not inconsistent with the views expressed herein. The Coastal Commission's appeal of the trial court's order suspending the automatic stay under Code of Civil Procedure section 1110b is dismissed as moot. The Coastal Commission, the Lands Commission, and MEHOA shall recover

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DIVISION THREE (Continued)

B105571 Lechuza Villas West, etc. v. California Coastal Commission, et al. (cont'd.)
B110008

their costs in connection with MEHOA's appeal from the judgment and the Coastal Commission's and the Lands Commission's writ proceeding.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B106568 People (Not for Publication)
v.
Gilberto Bobby R.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B106895 People (Not for Publication)
v.
Stephens

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aranda, J. (Assigned)

December 19, 1997-Continued

DIVISION THREE (Continued)

B104707 People (Not for Publication)
v.
Lawson

The judgment is modified by vacating appellant's sentence and remanding his case to allow the sentencing court to consider exercising its discretion as to whether to strike the Three Strikes prior conviction allegation and/or the Penal Code section 667.5, subdivision (b) enhancement. In all other respects, the judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B110455 People (Not for Publication)
v.
Mena

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B106871 People (Not for Publication)
v.
Edison

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Klein, P.J.
Aldrich, J.

December 19, 1997-Continued

DIVISION THREE (Continued)

B102830 People (Not for Publication)

V.
Dominguez

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B105196 People (Not for Publication)

V.
Rosenthal

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.
Aranda, J. (Assigned)

B102841 People (Not for Publication)

V.
Steward

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.
Aranda, J. (Assigned)

December 19, 1997-Continued

DIVISION THREE (Continued)

B109959 People (Certified for Publication)

v.
Superior Court, Los Angeles County
(Blakely, Alonzo, r.p.i.)

The alternative writ having served its purpose is discharged. Let a peremptory writ of mandate issue directing respondent superior court to vacate its pretrial order declaring Blakely's diagnosis as a matter of law does not qualify as a mental disease, defect or disorder under section 1026.5, subdivision (b)(1), and to proceed to trial on the People's petition for extended commitment, guided by the principles set forth herein.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B099301 People
v.
Jose Guillermo Hernandez

Filed order modifying opinion. (No change in the judgment.)

DIVISION FOUR

B109826 People (Not for Publication)

V.
Collins

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accordance with our opinion.

Baron, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B109732 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Richard F.

The appeal is dismissed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Jackson, J. (Assigned)

B108412 People (Certified for Publication)
 v.
 Junius LeBlanc

The judgment is reversed and the cause is remanded for proceedings
consistent with the views expressed in the body of this opinion.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.